

**FILED**

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
AIKEN DIVISION

JUL 13 2001

LARRY W. PROPS, CLERK  
COLUMBIA, S. C.

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Gary E. McClain,

JUDGMENT IN A CIVIL CASE

*Plaintiff,*  
v.

C/A No. 1:99-3710-22

**ENTERED**

**Pactiv Corporation; Howard Sellers;  
Tim Randall; Jody Rowland; Joseph  
P. Berley; Linda Milton; Joe Powell;  
Doug Boynton; Larry Wonoski; Joe  
Garrison; Ron Clark; Robin  
Montgomery; Dawn Price; and  
Martin James,**

7-13-01

*Defendants.*

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**Decision by the Court.** This action came before the court, the Honorable Cameron McGowan Currie, United States District Judge presiding. The court having granted defendants' Pactiv Corporation, Joseph Berley, Linda Milton, Joe Powell, Doug Boynton, Larry Wonoski, Joe Garrison, Ron Clark, Robin Montgomery, Howard Sellers, Tim Randall and Jody Rowland motions for summary judgment,

IT IS ORDERED AND ADJUDGED that summary judgment is entered for Pactiv Corporation, Joseph P. Berley, Linda Milton, Joe Powell, Doug Boynton, Larry Wonoski, Joe Garrison, Ron Clark , Robin Montgomery, Howard Sellers, Tim Randall and Jody Rowland on the plaintiff's §1983 claims. The plaintiff shall take nothing of these defendants on the §1983 claims and they are dismissed with prejudice; and, IT IS

FURTHER ORDERED that the plaintiff take nothing of defendants Pactiv Corporation, Joseph Berley, Linda Milton, Joe Powell, Doug Boynton, Larry Wonoski, Joe Garrison, Ron Clark, Robin Montgomery, Howard Sellers, Tim Randall and Jody Rowland and Dawn Price on the state law claims and these claims are dismissed without prejudice.

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The Court having duly heard and granted Pactiv Corporation and Dawn Price's motions to dismiss the plaintiff's §1983 claims; therefore, IT IS

ORDERED that the plaintiff take nothing of defendants Pactive Corporation and Dawn Price on the §1983 claims and these claims are dismissed with prejudice; and, IT IS

FURTHER ORDERED that the plaintiff shall take nothing on the §1983 and state law claims against the defendant Martin James. The § 1983 claim is dismissed with prejudice, *sua sponte* and the state law claim is dismissed without prejudice, *sua sponte*.

July 12, 2001

LARRY W. PROPES

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*Date*

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*Clerk*

Columbia, South Carolina

*Mary E. Deal*  
By: Mary E. Deal, Deputy